

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2296

Introduced by Assembly Member Hagman

February 21, 2014

An act to amend Section ~~17515~~ 60810 of the Education Code, relating to ~~school districts~~ *pupil assessment*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2296, as amended, Hagman. ~~Public schools; school facilities.~~ *Pupil assessment; English learners; assessment of English language development.*

Existing law requires the Superintendent of Public Instruction to review existing tests that assess the English language development of pupils whose primary language is a language other than English. Existing law requires pupils in kindergarten and first grade to be assessed in English listening and speaking, and, once an assessment is developed, early literacy skills. Existing law requires an early literacy assessment to be administered for a period of 4 years beginning after the initial administration of the assessment or until July 1, 2014, whichever occurs first.

This bill would instead require this early literacy assessment to be administered for a period of 4 years beginning after the initial administration of the assessment or until July 1, 2017, whichever occurs last.

~~Existing law authorizes a school district to enter into leases and agreements relating to real property and buildings to be used jointly by the district and any private person, firm, local government agency, as defined, or corporation, pursuant to specified provisions.~~

~~This bill would make nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 60810 of the Education Code, as amended*
2 *by Section 5 of Chapter 478 of the Statutes of 2013, is amended*
3 *to read:*

4 60810. (a) (1) The Superintendent shall review existing tests
5 that assess the English language development of pupils whose
6 primary language is a language other than English. The tests shall
7 include, but not be limited to, an assessment of achievement of
8 these pupils in English reading, speaking, and written skills. The
9 Superintendent shall determine which tests, if any, meet the
10 requirements of subdivisions (b) and (c). If any existing test or
11 series of tests meets these criteria, the Superintendent, with
12 approval of the state board, shall report to the Legislature on its
13 findings and recommendations.

14 (2) If no suitable test exists, the Superintendent shall explore
15 the option of a collaborative effort with other states to develop a
16 test or series of tests and share test development costs. If no suitable
17 test exists, the Superintendent, with approval of the state board,
18 may contract to develop a test or series of tests that meets the
19 criteria of subdivisions (b) and (c) or may contract to modify an
20 existing test or series of tests so that it will meet the requirements
21 of subdivisions (b) and (c).

22 (3) The Superintendent and the state board shall release a request
23 for proposals for the development of the test or series of tests
24 required by this subdivision. The state board shall select a
25 contractor or contractors for the development of the test or series
26 of tests required by this subdivision, to be available for
27 administration during the 2000–01 school year.

28 (4) The Superintendent shall apportion funds appropriated to
29 enable school districts to meet the requirements of subdivision (d).
30 The state board shall establish the amount of funding to be
31 apportioned per test administered, based on a review of the cost
32 per test.

33 (5) An adjustment to the amount of funding to be apportioned
34 per test is not valid without the approval of the Director of Finance.

1 A request for approval of an adjustment to the amount of funding
2 to be apportioned per test shall be submitted in writing to the
3 Director of Finance and the chairpersons of the fiscal committees
4 of both houses of the Legislature with accompanying material
5 justifying the proposed adjustment. The Director of Finance is
6 authorized to approve only those adjustments related to activities
7 required by statute. The Director of Finance shall approve or
8 disapprove the amount within 30 days of receipt of the request and
9 shall notify the chairpersons of the fiscal committees of both houses
10 of the Legislature of the decision.

11 (b) (1) The test or series of tests developed or acquired pursuant
12 to subdivision (a) shall have sufficient range to assess pupils in
13 grades 2 to 12, inclusive, in English listening, speaking, reading,
14 and writing skills. Pupils in kindergarten and grade 1 shall be
15 assessed in English listening and speaking, and, once an assessment
16 is developed, early literacy skills. The early literacy assessment
17 shall be administered for a period of four years beginning after the
18 initial administration of the assessment or until July 1, ~~2014~~ 2017,
19 whichever occurs ~~first~~ last. Six months after the three administered
20 assessments are collected, but no later than June 30, 2013, the
21 department shall report to the Legislature on the administration of
22 the kindergarten and grade 1 early literacy assessment results, as
23 well as on the administrative process, in order to determine whether
24 reauthorization of the early literacy assessment is appropriate.

25 (2) In the development and administration of the assessment
26 for pupils in kindergarten and grade 1, the department shall
27 minimize any additional assessment time, to the extent possible.
28 To the extent that it is technically possible, items that are used to
29 assess listening and speaking shall be used to measure early literacy
30 skills. The department shall ensure that the test and procedures for
31 its administration are age and developmentally appropriate. Age
32 and developmentally appropriate procedures for administration
33 may include, but are not limited to, one-on-one administration, a
34 small group setting, and orally responding or circling a response
35 to a question.

36 (c) The test or series of tests shall meet all of the following
37 requirements:

38 (1) Provide sufficient information about pupils at each grade
39 level to determine levels of proficiency ranging from no English

- 1 proficiency to fluent English proficiency with at least two
2 intermediate levels.
- 3 (2) Have psychometric properties of reliability and validity
4 deemed adequate by technical experts.
- 5 (3) Be capable of administration to pupils with any primary
6 language other than English.
- 7 (4) Be capable of administration by classroom teachers.
- 8 (5) Yield scores that allow comparison of the growth of a pupil
9 over time, can be tied to readiness for various instructional options,
10 and can be aggregated for use in the evaluation of program
11 effectiveness.
- 12 (6) Not discriminate on the basis of race, ethnicity, or gender.
- 13 (7) Be aligned with the standards for English language
14 development adopted by the state board pursuant to Section 60811.
- 15 (8) Be age and developmentally appropriate for pupils.
- 16 (d) The test shall be used for the following purposes:
- 17 (1) To identify pupils who are limited English proficient.
- 18 (2) To determine the level of English language proficiency of
19 pupils who are limited English proficient.
- 20 (3) To assess the progress of limited-English-proficient pupils
21 in acquiring the skills of listening, reading, speaking, and writing
22 in English.
- 23 (e) (1) A pupil in any of grades 3 to 12, inclusive, shall not be
24 required to retake those portions of the test that measure English
25 language skills for which he or she has previously tested as
26 advanced within each appropriate grade span, as determined by
27 the department in accordance with paragraph (8) of subdivision
28 (c).
- 29 (2) Notwithstanding paragraph (1), a pupil in any of grades 10
30 to 12, inclusive, shall not be required to retake those portions of
31 the test that measure English language skills for which he or she
32 has previously tested as early advanced or advanced.
- 33 (3) This subdivision shall not be implemented until the test
34 publisher's contract that is in effect on January 1, 2012, expires.
- 35 (4) This subdivision shall not be implemented unless and until
36 the department receives written documentation from the United
37 States Department of Education that implementation is permitted
38 by federal law.
- 39 (f) This section shall remain in effect only until the
40 Superintendent reports to the appropriate policy committees of the

1 Legislature pursuant to paragraph (2) of subdivision (h) of Section
2 60810 as added by the chapter that added this subdivision during
3 the 2013–14 Regular Session, and as of January 1 of the following
4 year, this section is repealed.

5 SECTION 1. ~~Section 17515 of the Education Code is amended~~
6 ~~to read:~~

7 ~~17515. (a) Any school district may enter into leases and~~
8 ~~agreements relating to real property and buildings to be used jointly~~
9 ~~by the district and any private person, firm, local governmental~~
10 ~~agency, as defined in paragraph (3) of subdivision (f) of Section~~
11 ~~4420 of the Government Code, or corporation pursuant to this~~
12 ~~article. As used in this article, “building” includes onsite and offsite~~
13 ~~facilities, utilities and improvements that, as agreed upon by the~~
14 ~~parties, are appropriate for the proper operation or function of the~~
15 ~~building to be occupied jointly by the district and the private~~
16 ~~person, firm, or corporation. It also includes the permanent~~
17 ~~improvement of school grounds.~~

18 ~~(b) Any building, or portion thereof, that is used by a private~~
19 ~~person, firm, local governmental agency, as defined in paragraph~~
20 ~~(3) of subdivision (f) of Section 4420 of the Government Code,~~
21 ~~or corporation pursuant to this section shall be subject to the zoning~~
22 ~~and building code requirements of the local jurisdiction in which~~
23 ~~the building is situated.~~

24 ~~(c) Section 53094 of the Government Code does not apply to~~
25 ~~uses of school district property or buildings authorized by this~~
26 ~~section, except in the case of property or buildings used solely for~~
27 ~~educational purposes.~~